



Legal Update

November 13, 2014

Mass. Gen Laws ch. 94C, § 1: Addition of Synthetics

According to the Acts of Chapter 65 Section 130, the definition of “controlled substance analogue” includes:

- (i) a drug or substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Class A, B, C, D or E, listed in section 31 and which has a stimulant, depressant or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance in Class A, B, C, D or E, listed in said section 31; or
- (ii) a drug or substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Class A, B, C, D or E, listed in said section 31 and with respect to a particular person, which such person represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance in Class A, B, C, D or E, listed in said section 31.

For specific guidance on the application of these cases or any law, please consult with your supervisor or your department’s legal advisor or prosecutor.

The controlled substance analogue excludes any controlled substance for which there is an approved new drug application with respect to a particular person, any substance for which there is an exception in effect for investigational use for that person, under section 8, to the extent conduct with respect to the substance is pursuant to such exemption; or any substance not intended for human consumption before such an exemption takes effect with respect to that substance.

Additionally, section 31 of said chapter 94C, as appearing in the 2012 Official Edition, is hereby amended to include any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances or cannabimimetic agents within the identified structural listed in this section.

For specific guidance on the application of these cases or any law, please consult with your supervisor or your department's legal advisor or prosecutor.